

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AVIO, INC.,

Plaintiff,

No. 10-10221

v.

District Judge Gerald E. Rosen
Magistrate Judge R. Steven Whalen

ALFOCCINO OF AUBURN HILLS,
INC., ET AL.,

Defendants.

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ORDER

For the reasons and under the terms stated on the record on July 16, 2013,
Defendants' Motion to Dismiss or in the Alternative to Compel Plaintiff's Attendance at
Deposition [Doc. #69] is GRANTED IN PART AND DENIED IN PART.

The motion to dismiss is DENIED.

The motion to compel Plaintiff's deposition is GRANTED. Counsel will cooperate
in arranging a time and date for the deposition.

IT IS SO ORDERED.

Dated: July 16, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on
July 16, 2013, electronically and/or by U.S. mail.

s/Michael Williams
Relief Case Manager to the
Honorable R. Steven Whalen